

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL RAY TURNER,

Plaintiff,

vs.

DAKOTA COUNTY CORRECTIONAL
FACILITY, BECKY, Stg., badge # unknown,
Individual and Official capacity; DR LONG,
cpl., badge# unknown, Individual and
Official capacity; MARQUEZ, cpl., badge #
unknown, Individual and Official capacity;
and ADAM HOUGH, Sgt., badge #97053,
Individual and Official capacity;

Defendants.

8:25CV19

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff Michael Ray Turner filed with the Court a Complaint on January 21, 2025. [Filing No. 1](#). Plaintiff failed to include the \$405.00 filing and administrative fees or a request to proceed in forma pauperis (“IFP”) with his Complaint. Plaintiff has another pending civil case in this court—Case No. 8:24CV492—in which the Court granted Plaintiff leave to proceed IFP on December 30, 2024, and ordered Plaintiff to file an amended complaint by January 29, 2025. See [Filing No. 56](#), Case No. 8:24CV492. In Case No. 8:24CV492, Plaintiff filed a document captioned “Motion: Amended Complaint” on January 21, 2025—the same date the present Complaint was filed in this case—which the Clerk’s office docketed as an amended complaint. [Filing No. 57](#), Case No. 8:24CV492. Both the present Complaint and the “Motion: Amended Complaint” in Case No. 8:24CV492 seek damages against the Dakota County Correctional Facility and the same four correctional officers and arise out of the same set of facts. Compare [Filing No. 1](#) with

[Filing No. 57](#), Case No. 8:24CV492. Thus, upon examination, the Court believes Plaintiff's pleading in the present case is more properly construed as an amended complaint intended for filing in Case No. 8:24CV492. Accordingly,

IT IS ORDERED that:

1. The Clerk of the Court is directed to close this case for statistical purposes.
2. The Clerk of the Court is directed to file Plaintiff's Complaint, [Filing No. 1](#), as an amended complaint in Case No. 8:24CV492.
3. The Clerk of the Court is further directed to modify the docket text and docket event for [Filing No. 57](#) in Case No. 8:24CV492 to show that [Filing No. 57](#) is a "Motion to Amend Complaint." The Clerk of the Court is directed to enter a public remark in Case No. 8:24CV492 to reflect that the docket entry for [Filing No. 57](#) was amended per this Memorandum and Order.
4. To avoid confusion in the future, any document Plaintiff sends to the Court for filing must include the correct case number (i.e. 8:24CV492).

Dated this 31st day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge